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6	Attorneys for Charging Party		
7			
8	UNITED STATES OF AMERICA		
9	NATIONAL LABOR RELATIONS BOARD		
10	REGION 21		
11	2 SISTERS FOOD GROUP, INC., and FRESH & EASY NEIGHBORHOOD MARKET, INC.	Nos. 21-CA-038915	
12		21-CA-038932	
13		OPPOSITION TO MOTION TO DISMISS	
14	and		
15			
16	LINUTED ECOD AND COMMEDCIAL		
17	UNITED FOOD AND COMMERCIAL WORKERS INTERNATIONAL UNION,		
18	LOCAL 1167.		
19		•	
20	Charging Party joins in the Opposition to the Motion to Dismiss filed by counsel for the		
21	Acting General Counsel. It is plain that Fresh & Easy Neighborhood Market is a Golden State		
22	successor for purposes of remedy. The facts demonstrate that Fresh & Easy took over the entire		
23	operation of the 2 Sisters Food Group Plant which is the subject of the underlying unfair labor		
24	practices. 2 Sisters Food Group was a captive supplier and Fresh & Easy took over the whole		
25	business. It is therefore responsible to reinstate Mr. Tresplaecios and to remedy the unfair labor		
26	practices. Of course 2 Sisters Food Group, Inc. remains also responsible.		
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The Motion to Dismiss should be summarily denied. Respectfully submitted, Dated: June 20, 2012 WEINBERG, ROGER & ROSENFELD A Professional Corporation /S/ David A. Rosenfeld DAVID A. ROSENFELD By: **Attorneys for Charging Party** 124365/672933

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21-CA-038932

PROOF OF SERVICE (CCP 1013)

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ROSENFELD A Professional Corporation 01 Marina Village Parkway, Suite 200 Alameda, California 94501 (510) 337-1001 I am a citizen of the United States and an employee in the County of Alameda, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 1001 Marina Village Parkway, Suite 200, Alameda, California 94501-1091. On June 20, 2012, I served upon the following parties in this action:

Stuart Newman Seyfarth Shaw LLP 1075 Peachtree St. NE, Suite 2500 Atlanta, GA 30300-3958 snewman@seyfarth.com

Joseph Turzi DLA Piper LLP 500 Eighth Street, N.W. Washington, D.C. 20004 Joe.turzi@dlapiper.com

Cathy D. Lee Bingham McCutchen LLP 355 S. Grand Ave., Suite 2500 Los Angeles, CA 90071-3106 cathy.lee@bingham.com

copies of the document(s) described as:

Irma Hernandez
Jean Libby
National Labor Relations Board,
Region 21
888 South Figueroa Street
Ninth Floor
Los Angeles CA 20017 5440

Los Angeles, CA 90017-5449 Irma.Hernandez@nlrb.gov Fax: (213) 894-2778

Alan R. Berkowitz Bingham McCutchen LLP Three Embarcadero Center San Francisco, CA 94111-4067 alan.berkowitz@bingham.com

OPPOSITION TO MOTION TO DISMISS

□ (BY U.S. MAIL) I am personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing with the United States Parcel Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at Alameda, California.

☐ (BY MESSENGER SERVICE) by consigning the document(s) to an authorized courier and/or process server for hand delivery on this date.

☐ (BY FACSIMILE) I am personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of document(s) to be transmitted by facsimile and I caused such document(s) on this date to be transmitted by facsimile to the offices of addressee(s) at the numbers listed below.

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OPPOSITION TO MOTION TO DISMISS Case Nos. 21-CA-038915 21-CA-038932

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1 2 3		(BY OVERNIGHT MAIL) I am personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for overnight delivery, and I caused such document(s) described herein to be deposited for delivery to a facility regularly maintained by United Parcel Service for overnight delivery.
5		(BY ELECTRONIC SERVICE) By electronically mailing a true and correct copy through Weinberg, Roger & Rosenfeld's electronic mail system from kscott@unioncounsel.net to the email addresses set forth below.
6		(BY PERSONAL DELIVERY) I caused such envelope to be delivered by hand to the offices of each addressee below.
7		
8	I certify under penalty of perjury that the above is true and correct. Executed at Alameda,	
9	Califo	rnia, on June 20, 2012.
10		<u>/s/Karen Scott</u> Karen Scott
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